

Paper No. 1452  
Disposes of  
Paper No. 1443

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	} ORDER AUTHORIZING THE CLERK TO RELEASE CERTAIN BOOKS TO OWEN CUNNINGHAM COUNSEL FOR THE ACCUSED OSHIMA, Hiroshi
- vs -	
ARAKI, Sadao, et al	

This matter coming on to be heard this 10th day of December, 1947, before the Honorable Myron C. Cramer, Acting President of the Tribunal, upon the application of Owen Cunningham, American counsel for the Accused OSHIMA, Hiroshi, for the release of certain books alleged in said application to be in the custody of the Clerk of the Tribunal, a description of said books and the reasons for their release being set forth fully in the application which is Paper No. 1443, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises FINDS

A. That the following books set forth in said application have never been presented to the Clerk of this Tribunal and are not in his possession:

Bouviere's Law Dictionary

Transcript of Nurnburg Proceedings  
for March 31;

B. That the following described books are now in the possession of the Clerk of this Tribunal and that

the same were not offered in evidence on the trial of this case:

Fenwicke Cases, AJIL (1932)  
Defense Document No. 2822

Wilsons Handbook  
Defense Document No. 2570

Dept. of State Bulletin (Atomic Energy)  
Defense Document No. 2821

Dept. of State Bulletin (Nurnburg Experts)  
Defense Document No. 2831

Fuhrer Conferences 1940, 1942 and 1943  
Defense Documents Nos. 2815, 2816, 2817;

C. That the following described books which were offered in evidence and rejected are now in the possession of the Clerk of this Tribunal and have been given the rejected document numbers following their respective titles:

Fenwicke Cases, AJIL (1932)  
Defense Document No. 2728  
Rejected Document No. 619

Feller and Hudson (Diplomatic Laws)  
Defense Document No. 2727  
Rejected Document No. 623

Shirers Berlin Diary  
Defense Document No. 2713  
Rejected Document No. 627

Garner International Law  
Defense Document No. 2729  
Rejected Document No. 628

Pitt Corbetts Cases  
Defense Document No. 2836  
Rejected Document No. 629

Biggs on International Law  
Defense Document No. 2797  
Rejected Document No. 630

Oppenheim on Diplomatic Privileges  
Defense Document No. 2826  
Rejected Document No. 631

Digest of International Law Vol. IV Hackworth  
Defense Document No. 2793  
Rejected Document No. 620



Davies Mission to Moscow  
Defense Document No. 1447  
Rejected Document No. 187

Transcript of Nurnburg Proceedings  
for March 29 and April 1  
Defense Document No. 1449  
Rejected Document No. 275

D. That the following described books were offered and marked "For Identification Only" and excerpts therefrom were admitted in evidence and marked as exhibits in this case:

Tolischus Tokyo Record - Ex. No. 2752  
for Identification Only. Excerpt therefrom  
admitted as Exhibit No. 2752-A

Transcript of Nurnburg Proceedings  
for March 28 - Ex. No. 2763 for  
Identification Only. Excerpt therefrom  
admitted as Exhibit No. 2763-A

Transcript of Nurnburg Proceedings  
for March 30 - Ex. No. 2692 for  
Identification Only. Excerpt therefrom  
admitted as Exhibit No. 2692-A

E. That all of said books now in the possession of the Clerk of this Tribunal are from the personal library of Owen Cunningham and are needed by him for the preparation of a brief in this case, and that the withdrawal of these documents and their return to said applicant will in nowise prejudice the rights of the Prosecution or of the Accused, or any of them, and that no substantial injustice will result thereby to the Prosecution or the Accused;

THEREFORE IT IS ORDERED: That the Clerk of this Tribunal is authorized and directed to release and deliver unto Owen Cunningham, American counsel for the Accused OSHIMA, Hiroshi, the following described documents now in his possession:

Fenwicke Cases, AJIL (1932)  
Defense Document No. 2728  
Rejected Document No. 619

Wilsons Handbook  
Defense Document No. 2570

Feller and Hudson (Diplomatic Laws)  
Defense Document No. 2727  
Rejected Document No. 623

Shirers Berlin Diary  
Defense Document No. 2713  
Rejected Document No. 627

Garner International Law  
Defense Document No. 2729  
Rejected Document No. 628

Pitt Corbetts Cases  
Defense Document No. 2836  
Rejected Document No. 629

Biggs on International Law  
Defense Document No. 2797  
Rejected Document No. 630

Oppenheim on Diplomatic Privileges  
Defense Document No. 2826  
Rejected Document No. 631

Dept. of State Bulletin (Atomic Energy)  
Defense Document No. 2821

Dept. of State Bulletin (Nurnburg Experts)  
Defense Document No. 2831

Digest of International Law Vol. IV Hackworth  
Defense Document No. 2793  
Rejected Document No. 620

Davies Mission to Moscow  
Defense Document No. 1447  
Rejected Document No. 187

Fuhrer Conferences 1940, 1942 and 1943  
Defense Documents Nos. 2815, 2816, 2817

Transcript of Nurnberg Proceedings  
for March 29 and April 1  
Defense Document No. 1449  
Rejected Document No. 275;

and it is further

ORDERED: That the following described books be withdrawn from the files of the Tribunal forthwith and delivered to Owen Cunningham, American counsel for Accused OSHIMA, Hiroshi, under the express term and condition, however that said documents shall be returned to the Tribunal



upon request in the event either the Tribunal or the Prosecution or the Defense should desire them for the purpose of this trial:

Tolischus Tokyo Record - Ex. No. 2752  
for Identification Only

Transcript of Nurnburg Proceedings for  
March 28 - Ex. No. 2763 for  
Identification Only

Transcript of Nurnburg Proceedings for  
March 30 - Ex. No. 2692 for  
Identification Only;

and it is further

ORDERED: That the excerpts from Court Exhibits Nos. 2752, 2763 and 2692, to wit: Court Exhibits Nos. 2752-A, 2763-A and 2692-A shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status;

and it is further

ORDERED: That the application for the release and return of the following described books which are not in the possession of the Clerk of this Tribunal be dismissed:

Bowdler's Law Dictionary

Transcript of Nurnburg Proceedings  
for March 31.

BY THE TRIBUNAL:

(signed) Myron C. Cramer  
Acting President

on the 8th day of December, 1947, and thereafter as required, and testify before the Tribunal as witnesses for the said Accused SHIRATORI, Toshio.

BY THE TRIBUNAL:

(signed) Myron C. Cramer  
Acting President